

REMARKS

The Office Action dated April 6, 2004 has been carefully reviewed and the foregoing remarks are made in response thereto. In view of the above amendments and following remarks, Applicants respectfully request reconsideration and reexamination of this application and timely allowance of the pending claims.

By this Amendment, the specification, claims 61 and 89 have been amended, claims 85 and 86 cancelled, and claims 95 to 101 have been added. Applicants respectfully submit that no new prohibited matter has been introduced by the amendments to the specification and claims. While written description support for the claim amendments can be found throughout the specification and in the original claims, specific support for these amendments can be found in the sequence listing, in Figures 1 and 2, in the description of the figures on pages 5 to 6 and in the results on pages 26 to 27. Written support for new claims 95 to 101 can be found beginning on page 19, line 4 through page 21, line 18.

Upon entry of this amendment, claims 61 and 95 to 101 will be pending, while claims 62 to 84 and 87 to 94 have been withdrawn from consideration by the Examiner.

Summary of the Office Action

1. Claims 62 to 84 and 87 to 94 as well as the subject matter of claim 61(b) were withdrawn from further consideration pursuant to 37 C.F.R. 1.142(b) as allegedly being drawn to a nonelected invention and the restriction requirement was maintained.

2. The disclosure was objected to for containing an embedded hyperlink and/or other form of browser-executable code.

3. Claims 61 and 65 to 86 were rejected under 35 U.S.C. 112 (first paragraph) for allegedly failing to comply with the written description requirement.

4. Claims 61, 85 and 86 were rejected under 35 U.S.C. 112 (second paragraph) for allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicants regard as the invention.

Response to the Office Action

1. Amendment of the Specification

The Office Action objected to the specification because the embedded hyperlink disclosed in pages 2 and 38 do not comply with MPEP 608.01. Applicants have amended the specification to remove

the embedded hyperlink. Applicants respectfully request the objections to the specification be withdrawn.

2. Rejection under 35 U.S.C. 112 (first paragraph)

The Examiner rejected claims 61, 85 and 86 under 35 U.S.C. 112 (first paragraph) as containing subject matter which lacks proper written description. Applicants have cancelled claims 85 and 86 without prejudice or disclaimer, therefore the rejection is moot with regard to the claims.

With regard to claim 61, the Substitute Sequence Listing submitted on October 22, 2001 revised SEQ ID NO: 2 and 3 to include additional intron-derived nucleic acid at the 5' and 3' ends of the sequence in order to comply with the Sequence Rules under 37 C.F.R. 1.821 to 1.825. These intron sequences were present in the original figures but were omitted from the original sequence listing. However, the corresponding residue numbers referred to in the specification and claims were not amended to reflect this revision. Applicants have amended claim 61, written support for which can be found in the specification as described herein. Applicants respectfully request that this rejection of the claims be withdrawn.

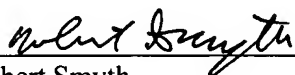
Conclusion

Applicants respectfully request reconsideration and the timely allowance of the pending claims. A favorable action is awaited. Should the Examiner find that an interview would be helpful to further prosecution of this application, she is invited to telephone the undersigned at his convenience.

Except for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

Date: **July 8, 2004**
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Respectfully submitted,
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